

CHAPTER 95

SOYBEAN AND CORN PROMOTION ORGANIZATIONS — BOARDS OF DIRECTORS

S.F. 342

AN ACT relating to boards of directors associated with organizations promoting soybeans and corn.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 185.13, subsection 2, Code 2009, is amended to read as follows:

2. Acquire and establish offices, issue negotiable instruments, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

Sec. 2. Section 185C.13, subsection 2, Code 2009, is amended to read as follows:

2. ~~Establish~~ Acquire and establish offices, issue negotiable instruments, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

Sec. 3. Section 185C.14, Code 2009, is amended to read as follows:

185C.14 PER DIEM AND EXPENSES.

Each member director of the board shall receive a per diem as specified in section 7E.6 of one hundred dollars and actual expenses in performing official board functions ~~not to exceed forty days per year, notwithstanding section 7E.6.~~ No member A director of the board shall not be a salaried employee of the board or any organization or agency which is receiving funds from the board. The board shall meet at least once every three months, and at such other times as deemed necessary by the board.

Approved April 27, 2009

CHAPTER 96

CIVIL RIGHTS AND EMPLOYMENT PRACTICES — WAGE DISCRIMINATION

S.F. 137

AN ACT providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 216.2, subsection 15, Code 2009, is amended to read as follows:

15. “Unfair practice” or “discriminatory practice” means those practices specified as unfair or discriminatory in sections 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.9, 216.10, 216.11, and 216.11A.

Sec. 2. NEW SECTION. 216.6A ADDITIONAL UNFAIR OR DISCRIMINATORY PRACTICE — WAGE DISCRIMINATION IN EMPLOYMENT.

1. a. The general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

- (1) Unjustly discriminates against the person receiving the lesser rate.
- (2) Leads to low employee morale, high turnover, and frequent labor unrest.
- (3) Discourages employees paid at lesser wage rates from training for higher level jobs.
- (4) Curtails employment opportunities, decreases employees' mobility, and increases labor costs.
- (5) Impairs purchasing power and threatens the maintenance of an adequate standard of living by such employees and their families.
- (6) Prevents optimum utilization of the state's available labor resources.
- (7) Threatens the well-being of citizens of this state and adversely affects the general welfare.

b. The general assembly declares that it is the policy of this state to correct and, as rapidly as possible, to eliminate, discriminatory wage practices based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, and disability.

2. a. It shall be an unfair or discriminatory practice for any employer or agent of any employer to discriminate against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees who are employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer or agent of an employer who is paying wages to an employee at a rate less than the rate paid to other employees in violation of this section shall not remedy the violation by reducing the wage rate of any employee.

b. For purposes of this subsection, an unfair or discriminatory practice occurs when a discriminatory pay decision or other practice is adopted, when an individual becomes subject to a discriminatory pay decision or other practice, or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

3. It shall be an affirmative defense for a claim arising under this section if any of the following applies:

- a. Payment of wages is made pursuant to a seniority system.
- b. Payment of wages is made pursuant to a merit system.
- c. Payment of wages is made pursuant to a system which measures earnings by quantity or quality of production.
- d. Pay differential is based on any other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee.

4. This section shall not apply to any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

Sec. 3. Section 216.15, subsection 8, paragraph a, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) For an unfair or discriminatory practice relating to wage discrimination pursuant to section 216.6A, payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include but are not limited to court costs, reasonable attorney fees, and either of the following:

(a) An amount equal to two times the wage differential paid to another employee compared to the complainant for the period of time for which the complainant has been discriminated against.

(b) In instances of willful violation, an amount equal to three times the wage differential paid to another employee as compared to the complainant for the period of time for which the complainant has been discriminated against.

CHAPTER 97**RAILWAYS, RAILWAY ASSISTANCE,
AND PASSENGER RAIL SERVICE***S.F. 151*

AN ACT relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
RAILWAY ASSISTANCE**

Section 1. Section 6A.6, Code 2009, is amended to read as follows:

6A.6 RAILWAYS.

~~The Iowa railway finance authority or any~~ A railway corporation, may acquire by condemnation property as necessary for the location, construction, and convenient use of a railway. ~~The Iowa railway finance authority may acquire fee title or a lesser property interest. The authority shall offer to sell its interest in the property at fair market value to the adjoining property owners upon abandonment.~~ The acquisition shall carry the right to use for the construction and repair of the railway and its appurtenances any earth, gravel, stone, timber, or other material, on or from the land taken.

Sec. 2. Section 6A.9, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~The Iowa railway finance authority~~ department of transportation or a railway corporation may, by condemnation or otherwise, acquire lands for the following additional purposes:

Sec. 3. Section 6A.10, Code 2009, is amended to read as follows:

6A.10 INITIATING RAILROAD CONDEMNATION BY RAILWAY CORPORATION.

~~1. The~~ A railway corporation shall apply to the department of transportation for permission to condemn. The railway corporation shall serve notice of the application and hearing and provide a copy of the legal description of the property to be condemned to the owner and any recordholders of liens and encumbrances on any land described in the application. The department may, after hearing, report to the clerk of the district court of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the department.

~~2. The railway finance authority may begin condemnation proceedings in district court.~~

Sec. 4. Section 6A.16, Code 2009, is amended to read as follows:

6A.16 RIGHT TO CONDEMN ABANDONED RIGHT-OF-WAY.

Railroad right-of-way which has been abandoned by order of the proper authority, may be condemned by a railway corporation or the ~~Iowa railway finance authority~~ department of transportation before or after the track materials have been removed. The procedure to condemn abandoned right-of-way shall be the same as for an original condemnation.

Sec. 5. Section 7E.7, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 6. Section 12.28, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. "State agency" means a board, commission, bureau, division, office, department, or branch of state government. However, state agency does not mean the state board of regents, institutions governed by the board of regents, or authorities created under chapter 16, 175, 257C, or 261A, ~~or~~ 327I.